

RESOLUTION NO. 2005-193

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING A NEGATIVE DECLARATION FOR A LODI MUNICIPAL CODE AMENDMENT TO SECTION 13.12.150, SEWER CONNECTIONS OUTSIDE CITY, TO ALLOW WINERIES LOCATED OUTSIDE THE CITY LIMITS TO CONNECT AND DISCHARGE INDUSTRIAL GRADE WASTEWATER INTO THE CITY'S INDUSTRIAL SEWERAGE SYSTEM AND FOR AN INDUSTRIAL SYSTEM DISCHARGE PERMIT FOR THE VAN RUITEN FAMILY WINERY LOCATED OUTSIDE THE CITY LIMITS TO CONNECT AND DISCHARGE INDUSTRIAL GRADE WASTEWATER INTO THE CITY'S INDUSTRIAL SEWERAGE SYSTEM AND LODI MUNICIPAL CODE AMENDMENT TO SECTION 13.12.020 (20) RELATING TO DEFINITION OF INDUSTRIAL SYSTEM

=====

WHEREAS, in the spring of 2005, the City was approached by the Van Ruiten Family Winery, located at 340 West Highway 12 in unincorporated San Joaquin County, requesting that the winery be allowed to connect and discharge industrial grade wastewater into the City's industrial sewerage system; and

WHEREAS, Lodi Municipal Code Section 13.12.150 currently prohibits wastewater service connections and discharge from facilities located outside the City limits; and

WHEREAS, the City's industrial sewerage system has adequate capacity to collect and dispose of wastewater from all industrial users within the City limits; and

WHEREAS, West Yost & Associates engineering consultants prepared an analysis of the volume and strength of the Van Ruiten winery's industrial grade wastewater and concluded that the City's industrial wastewater system facilities could accommodate the additional wastewater flow from the Van Ruiten winery; and

WHEREAS, wineries have existed in the Lodi community for over 150 years and play a significant role in the community's identity and local economy; and

WHEREAS, wineries play a vital role in preserving the agricultural and rural greenbelt that surrounds Lodi's urban area; and

WHEREAS, Downtown Lodi is the City's premier pedestrian retail area and extensive City investment to revitalize Downtown has occurred in recent years; and

WHEREAS, increasing stringency in water quality regulations have made wastewater discharge compliance difficult for wineries to continue their agricultural operations; and

WHEREAS, on June 15, 2005, City Council directed staff to initiate a Lodi Municipal Code amendment to allow wineries located in unincorporated San Joaquin County to connect and discharge into the industrial sewerage system if the system could accommodate the additional wastewater flow and the winery opened a retail, wine tasting business in Downtown Lodi; and

WHEREAS, also on June 15, 2005, the City Council executed a Memorandum of Understanding (MOU) with the Van Ruiten Family Winery (dated June 7, 2005) to allow the Van Ruiten winery to connect and discharge its industrial grade waste into the City's industrial sewerage system in return for establishing a wine tasting room in Downtown Lodi; and

WHEREAS, an Initial Study was prepared for the proposed Lodi Municipal Code amendment and Industrial System Discharge Permit and a proposed Negative Declaration was circulated for public comment from August 1, 2005 through August 30, 2005, which is incorporated herein by reference; and

WHEREAS, the State Clearinghouse circulated the proposed Negative Declaration to State agencies for review on August 8, 2005 (SCH #2005082025); and

WHEREAS, no public or agency comments were received; and

WHEREAS, the City Council held a hearing on the proposed Lodi Municipal Code amendment and Industrial System Discharge permit and considered all public testimony and pertinent information and documents.

NOW, THEREFORE, BE IT RESOLVED that the City Council makes the following findings:

1) A number of General Plan Land Use Element goals and policies support preservation of Lodi's small-town and rural qualities, including the agricultural uses that form a greenbelt surrounding the community as well as promoting downtown reinvestment, pedestrian activities, and economic viability (i.e., Goals LU-B and D, and Policies LU-A.1, a.4, B.1, B.2, B.6, D.1, D.3), as discussed in the Initial Study/Negative Declaration.

2) The proposed project does not have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory because no significant habitat, species, or resources are located in the area of the proposed sewer connection.

3) The proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals because the City's Regional Water Quality Control Board (RWQCB) industrial wastewater system permit authorizes a specified amount of industrial grade wastewater to be discharged onto the City's agricultural fields, of which the proposed project would be consistent with and not exceed the systems capacity and allowed wastewater discharge chemical composition, as described in the Initial Study. Further, General Plan Land Use Element Goal J provides a safeguard that ensures that adequate capacity is retained for future industrial wastewater generators within the City limits by requiring the City maintain adequate levels of sewer collection and disposal service to meet the needs of existing and projected development at City build-out. The proposed Lodi Municipal Code amendment requires that industrial wastewater generators located outside the City limits demonstrate that adequate capacity exists prior to authorizing the outside connection and discharge.

4) The proposed project does not have possible environmental effects that are individually limited but cumulatively considerable because, as described above, the amount of industrial grade wastewater contributed to the City's industrial sewerage system is within the systems capacity and consistent with and would not exceed the RWQCB's permitted discharge amount or flow chemical composition requirements. As described above, General Plan Land Use Element Goal J requires that the City maintain adequate levels of sewer collection and disposal service to meet the needs of existing and projected development at City build-out, thus providing a safeguard to ensure that adequate sewer capacity will be reserved for future industrial waste generators within the City limits and requiring outside generators to demonstrate that adequate capacity exists prior to authorizing the outside connection and discharge. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

5) The environmental effects of the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly, because, as described above and in the Initial Study, the RWQCB permit ensures that water quality standards and requirements are complied with to ensure human beings are not adversely impacted.

6) The proposed project requires that wineries located outside the City limits establish a wine tasting room in Downtown Lodi, which currently has adequate parking, roadway capacity, and land use designations to accommodate pedestrian-oriented, retail wine tasting rooms.

BE IT FURTHER RESOLVED that the Lodi City Council hereby adopts the Negative Declaration for the proposed Lodi Municipal Code amendments.

=====

I hereby certify that Resolution No. 2005-193 was passed and adopted by the City Council of the City of Lodi in a regular meeting held on September 7, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and Mayor Beckman  
NOES: COUNCIL MEMBERS – Hitchcock  
ABSENT: COUNCIL MEMBERS – None  
ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk